

ORIGINAL: FRENCH

**INTERNATIONAL OLYMPIC COMMITTEE
ETHICS COMMISSION**

**Decision with recommendation
N°D/02/2011**

CASE N° 1/2010

Mr Issa Hayatou, IOC member,
Vice-President of FIFA,
President of the African Football Confederation (CAF)
c/o Confédération Africaine de Football B.P. 7380
Yaoundé, Cameroon

FACTS and PROCEDURE:

In a letter of 30 November 2010, the IOC President referred a case to the Ethics Commission following the “Panorama” TV programme broadcast by the BBC on 29 November 2010, which reported on payments made by the company ISL/ISMM to various people belonging to the sports movement, and particularly Mr Issa Hayatou in his capacity as President of the African Football Confederation (CAF). The list of payments presented during this programme included the following reference:

*CAF Hayatou
15 February 1995 cash FRF 100,000 – CHF 24,700.00*

Mr Issa Hayatou has been an IOC member since 2001, a member of the Executive Committee of FIFA since 1990 and Vice-President of this International Federation since 1992.

The inquiry allowed us to check the origin of the list presented by BBC Panorama during the programme.

Mr Issa Hayatou’s comments were requested in a letter of 21 March 2011, then in a request for additional information in a letter of 29 August 2011.

In his written responses, Mr Issa Hayatou confirmed that he had received from ISL/ISMM the sum of FRF 100,000, which was personally given to him in cash to finance the 40th anniversary of the CAF. To prove this, he produced a certificate dated 25 March 2011 drawn up by the CAF Finance Director, and the minutes of a meeting of the CAF Executive Committee of 4 February 1998, which mentioned under various points “Donation ISL – The proposal by CAF partner ISL Marketing AG to make a donation for the CAF’s 40th anniversary was accepted”. He explained further that given the state of banking technology in some countries, making cash payments was current practice at the time.

OPINION:

The IOC Ethics Commission took into consideration all the elements and documents made available to it, as well as the arguments put forward by Mr Issa Hayatou.

The Ethics Commission observes that Mr Issa Hayatou personally received a cash payment from ISL, which was, at that time, a marketing partner of FIFA, of which he was Vice-President; and that although he personally did not sign the contract, he could not be unaware of its existence. It noted that the documents produced by the person concerned, drawn up a long time after receipt of the funds, do not guarantee that the payments were indeed made into the CAF accounts. It considers that personally accepting a sum of money in these conditions constitutes a conflict of interests.

The Ethics Commission notes that, at the time of the incidents, although the texts regarding ethics were not as precise as they are today, the Olympic Charter nonetheless mentioned expressly in its Fundamental Principles that Olympism is based on respect for universal fundamental ethical principles.

The Commission also notes that, although the acts took place at a time when Mr Issa Hayatou was not yet an IOC member, he was the then Vice-President of an International Federation, FIFA, a constituent of the Olympic Movement and that, as such, he was obliged to respect the fundamental principles of Olympism. It notes finally that the damage to the reputation of the Olympic Movement occurred when the facts concerning Mr Issa Hayatou were revealed, namely when he was an IOC member.

Therefore, the Ethics Commission, respecting the principle of proportionality and taking into consideration the date of the incident, at a time when the person concerned was not an IOC member, and the explanation that he has given, considers it necessary to recommend that the Executive Board remind Mr Issa Hayatou of his obligation to respect the Olympic Charter the Code of Ethics and sanction him with a reprimand.

RECOMMENDATIONS:

The IOC Ethics Commission, after having deliberated in compliance with its Statutes, recommends that the IOC Executive Board, in applying Rule 22 of the Olympic Charter:

1. decide to remind Mr Issa Hayatou of his obligation to respect the Olympic Charter and the IOC Code of Ethics; and
2. issue a reprimand against Mr Issa Hayatou.

Done in Lausanne, 3 October 2011

For the Chairman,
Pâquerette Girard Zappelli
Secretary